

CITY COUNCIL CITY OF LODI
COUNCIL CHAMBERS, CITY HALL
SEPTEMBER 2, 1953

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, September 2, 1953; Councilmen Hillman, Preszler, Rinn, Robinson, and Richey (Mayor) present; none absent.

Minutes of the previous meetings of August 12, 1953, and August 19, 1953, were approved as written and mailed with the following correction: The reference to a permit issued to J. D. Irwin should be changed to read Mrs. Ruby Irwin.

COMMUNICATIONS

DERRICK LOADING ZONE PERMIT	A request from Mr. Charlie C. Derrick of Derrick's Paint Store for the establishment of a loading zone on Locust Street opposite the rear door of Derrick's Paint Store. Mr. Weller explained that a larger loading zone in the same location had recently been abandoned and that the present request could be considered as a replacement of the larger loading zone by a smaller zone. He added that the request had been cleared with the Chief of Police and the City Engineer. On the motion of Councilman Rinn, the Council voted to approve the request and take the necessary action under the Traffic Ordinance.
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PUBLIC HEARINGS

DISCUSS PROCEDURE FOR PUBLIC HEARING BY HIGHWAY COMMISSION	Mr. William Hurd of the District Highway Engineer's Office addressed the Council to give a brief summary of the procedure to be followed at the public hearing to be held by the California Highway Commission in the Council Chambers at 2:00 p.m., September 11, 1953. The hearing is to be for the purpose of permitting interested parties to present their views on the proposed by-pass of the City of Lodi of Highway 99. Mr. Hurd stated that the hearing would be conducted by two members of the California Highway Commission aided by the Commission Secretary and a court reporter. A transcript of the hearing will be furnished the Commission at a later date for study and decision. The following order will be followed in the hearing:
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1. Introduction of Commission staff and public officials by the Acting Chairman.
2. Presentation of proposal by the District Engineer.
3. Hearing of people favoring proposal.
4. Hearing of people opposing proposal.
5. Answering of questions directed to District Engineer.

Mr. Hurd added that statements should be brief and to the point and repetitious statements should be avoided as they do not aid the inquiry. He stated that written statements from persons unable to attend the hearing would be accepted and could be read into the record.

REPORTS OF THE CITY MANAGER

UNION ICE COMPANY ENCROACHMENT	Mr. Weller presented a request from the Union Ice Company for permission to encroach upon public right of way on the west side of North Main Street. The Company wishes to place a truck cooler adjacent to its building for temporary use during grape season.
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In a memorandum to the City Manager, the City Engineer stated that the cooler was 25 feet long and would extend to the mid point between the easterly spur tracks bounding the west side of the street. According to the City Engineer, 44 feet of street surface will remain; therefore the encroachment will not interfere with automobile traffic. The Union Ice Company indicated that it would move the cooler should traffic flow be impaired. The Council voted, on the motion of Councilman Robinson, Preszler second, to grant the request with the understanding that is to be a temporary structure.

STORM
SEWER
AWARD
DEFERRED

The City Manager reported that no bids were received for the installation of storm sewers in the extensions of West Elm Street and Mills Avenue. He further reported that two bids had been received for the pipe to be used in the project. He further reported that the acquisition of right of way for the storm sewer was not complete. On the motion of Councilman Rinn, Robinson second, the Council voted to recognize the failure to receive a bid for the installation and to defer the award of the contract for the pipe until the September 16, 1953, meeting, or as soon thereafter as the right of way problems have been solved.

POLE
TREATMENT
CONTRACT

The City Manager presented a joint contract with the Pacific Telephone and Telegraph Company for the treatment of approximately 600 poles located in the City of Lodi and owned jointly by the Telephone Company and the City. The poles are to be treated by Pole Inspectors & Treaters, Inc. The contract provides for the inspection and Osmose treatment of the jointly owned poles. On the motion of Councilman Rinn, Preszler second, the Mayor and City Manager were authorized to execute the contract.

STADIUM
CONTRACT
FOR
ALL-STAR
GAME

The contract for use of Lodi Stadium by the Lodi Junior Chamber of Commerce for the purpose of holding an all-star football game in 1954, having been approved by the City Attorney, was again presented for consideration. The City Attorney explained that the contract provided for the usual 10% head tax, a maximum of \$2500 for expenses, and a formula for the distribution of the net proceeds. Mr. Dwain Schunke addressed the Council from the audience to state that it now appeared that the training period for the players would be lengthened from one week to two weeks, in which case the \$2500 maximum expense would be insufficient. He added that \$3000 would be adequate. Councilman Rinn objected to the inclusion of the provisions for distribution of the net proceeds in the City's contract. He favored the execution of the standard Stadium contract, leaving the Junior Chamber of Commerce free to distribute the proceeds as it sees fit. In voicing his objections, Councilman Rinn stated that as a general rule if a party shares in the benefits, he is obligated to share in the losses. The City Attorney assured the Council that under the terms of the contract the City would not be held liable for any losses. On the motion of Councilman Robinson, Preszler second, the Council voted unanimously to authorize the Mayor to sign the contract after increasing the amount allowed for expenses to \$3000.

SPECIAL
CENSUS

Mr. Weller reported that he had written letters to the Board of Supervisors and to each of the cities in San Joaquin County regarding the possibility of conducting a joint special census. Although each of the cities has indicated an interest in the joint survey, the County Counsel has held that a special census by the County is illegal. Mr. Weller added that a joint census is still possible, although the advantage of a joint county-wide census will be lost. He reported further that he had contacted the Bureau of Census and learned that it would be possible to hold such a census in Lodi and that the cost, assuming a population of 15,500, would be \$2,267. On the motion of Councilman Preszler, Robinson second, the Council voted to request that a special census be taken in Lodi as early as possible. Councilman Rinn added that it would be advisable to add certain questions to the questionnaire to determine what the people are doing that live in Lodi, i.e., type and place of employment.

CLAIMS

Claims in the amount of \$59,262.85 were approved on the motion of Councilman Robinson, Rinn second.

STADIUM
CONCESSION
CONTRACT

The City Manager reported that the present contract with Hires Bottling Company for the concessions at Lodi Stadium has expired. The Recreation Commission has discussed it, and the consensus of feeling seems to be that some sort of bid procedure should be used, but that the award not necessarily be let to the highest bidder. The Recreation Commission has not been satisfied with the present arrangement, particularly in so far as the public is limited in its selection of soft drinks. Mr. Weller explained that Hires also has the High School contract which still has two years to run. After agreeing that the contract should be awarded to the bidder submitting the bid which was most advantageous to the City, the Council voted to authorize the City Manager to proceed with advertising for bids.

CITY PLANNING COMMISSION

VARIANCE
REPORT

In a memorandum the Secretary of the Planning Commission reported that at its August 19, 1953, meeting the Zoning Committee granted a variance from the strict application of Section 6.3(1) of Ordinance No. 469 to Mr. A. Schalo of 1021 Woodrow Street to permit a set-back of 24 feet rather than 25 feet. The Zoning Committee granted the variance on the grounds that it has substantially met the requirements as set forth in the Zoning Ordinance.

ORD. NO. 496
ADOPTED
APPROVING
51ST ADDN.

ORDINANCE NO. 496, APPROVING THE ANNEXATION OF THE FIFTY-FIRST ADDITION, LANDS NORTH OF WEST LOCKEFORD STREET AND WEST OF HAM LANE, TO THE CITY OF LODI AND DECLARING THAT THE SAME IS ANNEXED TO AND MADE PART OF THE CITY OF LODI, having been introduced at the regular meeting of August 19, 1953, was brought up for passage on the motion of Councilman Robinson, Preszler second. Second reading was omitted by unanimous consent after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Hillman, Preszler, Rinn,
Robinson and Richey.

NOES: Councilmen - None

ABSENT: Councilmen - None

Mayor Richey then signed Ordinance No. 496 in approval thereof.

ACKNOWLEDGE
RECEIPT OF
NOTICE OF
INTENTION
TO PETITION
SUNSET
ANNEXATION

The City Clerk reported that the proponents of the annexation of the Sunset Addition had filed a copy of the notice of intention to circulate a petition, together with a copy of the statement of reasons for such annexation, with him on August 28, 1953, and an affidavit of the publication of said notice was filed August 31, 1953. Mrs. Helen K. Rencher addressed the Council from the audience to state that, while the people living on the east side of Sunset Street did not object to the construction of curbs and gutters upon annexation, they did object to the construction of sidewalks on this side of the street. The construction of sidewalks would necessitate the removal of the trees which the residents consider very desirable for shade. The Council agreed that sidewalks on the east side of Sunset Drive would not be required for the time being. On the motion of Councilman Rinn, Robinson second, the Council then adopted Resolution No. 1769, acknowledging the receipt of a copy of the notice of intention to circulate petition for the annexation of the Sunset Addition and affidavit of publication thereof and approving the circulation of the petition.

RES. #1769
ADOPTED

GOODMAN
DEED
ACCEPTED

On the motion of Councilman Preszler the Council voted to accept a deed of the east 25 feet of the Goodman's property on South Hutchins Street with the understanding that in return the City would be responsible for the paving on this 25 foot strip. It was understood that the Council has no reservations to this agreement at this time, but nothing could be done to bind future councils, and that the agreement covered the present improvement.

BURGDORF
DEED
ACCEPTED

On the motion of Councilman Robinson, Preszler second, the Council voted to accept a deed from Walter and Meta Burgdorf for the north 25 feet and the east 35 feet of their property at the corner of Lodi Avenue and Hutchins Street in exchange for the installation of curb, gutter and sidewalk along the east side of the property.

UTILITY
EXTENSION
POLICY

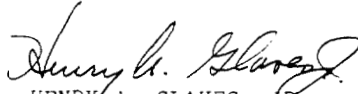
The City Clerk explained that he had received a request from the property owners at the corner of Lockeford Street and Loma Drive for information regarding the utility extension policy as it would affect the annexation of this territory to the City. The land in question is that portion on the northwest corner owned by Emery, Nickel and Christopherson. Mr. Graves reported that it would require 200 feet of utility lines on Loma Drive at an estimated cost of \$1242 and approximately 350 feet of utility lines on Lockeford Street at an estimated cost of \$1817. Mr. Graves stated that the property owners had indicated that they would not be willing to annex to the City if they must conform with the City Council policy requiring deposits for the utility extensions. The Council agreed that no action should be taken on this matter at the present time.

CITY
ATTORNEY
SALARY
INCREASE

City Attorney Mullen brought up the matter of the salary increase which had been provided in the 1953-54 Budget. Mr. Mullen stated that it was his understanding that the increase was to become effective with the adoption of the budget, but the Finance Director required additional action on the part of the City Council. On the motion of Councilman Robinson, Hillman second, the Council voted to increase the salary of the City Attorney to \$250 per month effective September 1, 1953. The effective date of the increase was set after the Council agreed that there was no justification to deviate from the policy of not granting retroactive salary increases.

On the motion of Councilman Preszler, the meeting was adjourned at 10:25 p.m.

ATTEST:


HENRY A. GLAVES, JR.
City Clerk